REMARKS:

Claims 15, 17-22 and 25-33 are presented for examination. Claim 15 has been amended hereby. Claims 1-14, 16, 23 and 24 have been previously cancelled (without prejudice or disclaimer).

Reconsideration is respectfully requested of the rejection of claims 15, 17-22 and 25-33 under 35 U.S.C. 112, second paragraph, as allegedly being indefinite.

At page 3 of the September 2, 2008 Office Action, the Examiner states that "As said coverage ratios [referring to the second and third coverage ratios] could be any ratio, such claim limitation fails to define any limitations of the 'first coverage ratio'".

In this regard, applicant notes that independent claim 15 specifically recites "wherein the first coverage ratio upon which the revenue requirement is based is greater than 1 and up to 1.20."

Thus, it is respectfully submitted that this range of "greater than 1 and up to 1.20" clearly defines the limits of the first coverage ratio.

Further, with regard to the issue raised by the Examiner at page 3 of the September 2, 2008 Office Action directed to the term "or", it is noted that independent claim 15 has been amended to be even more clear in this regard.

In particular, independent claim 15 has been amended as follows (to conform to the first interpretation of the Examiner discussed at page 3 of the September 2, 2008 Office Action):

- "wherein the requirement that the bond issuer establish revenue rates expected to be sufficient to pay the repayment obligation by the expected payment date comprises establishing a revenue requirement based on: a first coverage ratio that is lower than: (i) a second coverage ratio that is used for purposes of a board policy associated with the bond; or (ii) a third coverage ratio that is used for purposes of a rate covenant associated with the bond"

Therefore, it is respectfully submitted that the rejection of claims 15, 17-22 and 25-33 under 35 U.S.C. 112, second paragraph, has been overcome.

Reconsideration is respectfully requested of the rejection of claims 15, 17-22 and 25 under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Publication 2002/0016758 (hereinafter "Grigsby") in view of U.S. Patent 6,315,196 (hereinafer "Bachmann") and The Complete Idiot's Guide To Buying & Selling a Business (hereinafter "Paulson").

It is respectfully submitted that applicant does not concur with the Examiner in the Examiner's analysis of the claims of the present application and Grigsby, Bachmann and Paulson.

For example, at page 5 of the September 2, 2008 Office Action the Examiner indicates that:

- "Grisby does not teach a method comprising … nor wherein the first coverage ratio is greater than 1 and up to 1.20"

Thus, in an attempt to cure this acknowledged deficiency of Grigsby, the Examiner cites Paulson:

- "Paulson discloses a method comprising a revenue requirement (EBIT) based on a first coverage ratio; wherein the first coverage ratio is greater than 1 (see p. 75-76)."

Paulson has been reviewed and while it does appear that this reference discloses a "coverage ratio" greater than 1 (albeit not necessarily in the same context as used in the invention, as claimed), it is noted that this reference does not appear to disclose a coverage ratio greater than 1 and up to 1.20 (as claimed).

In fact, it is respectfully submitted that this Paulson reference actually teaches away from such a coverage ratio greater than 1 and up to 1.20.

That the Paulson reference actually teaches away from such a coverage ratio greater than 1 and up to 1.20 is seen, for example, in the first paragraph of page 76:

- "Assume that a company has an EBIT of $60,000 and that this same company paid $20,000 in total interest on its debts. These numbers mean that the company has a coverage ratio of $60,000/$20,000 = 3. Is this ratio result too small, too large or just right? That answer is always a matter of personal investment style and perspective, but maintaining a coverage ratio of 3 is considered a solid minimum…" (emphasis added)

Thus, as seen, this Paulson reference specifies what is considered a "solid minimum" coverage ratio of 3 – clearly teaching away from the claimed coverage ratio greater than 1 and up to 1.20.

Therefore, it is respectfully submitted that the rejection of claim 15 (as well as claims 17-22 and 25, depending therefrom) under 35 U.S.C. 103(a) as allegedly being unpatentable over Grigsby in view of Bachman and Paulson has been overcome.

Reconsideration is respectfully requested of the rejection of claims 26-33 under 35 U.S.C. 103(a) as allegedly being unpatentable over Grigsby in view of Bachman and Paulson and further in view of so-called "Official Notice".

Initially, it is noted that applicant does not necessarily concur with the Examiner in the Examiner's analysis of the claims and the various references/Official Notice.

Nevertheless, in order to expedite prosecution of the application, it will simply be noted here that each of claims 26-33 depends (directly or indirectly) from independent claim 15.

Thus, it is respectfully submitted that these claims 26-33 are patentably distinct for at least the same reasons as independent claim 15 discussed above.

Therefore, it is respectfully submitted that the rejection of claims 26-33 under 35 U.S.C. 103(a) as allegedly being unpatentable over Grigsby in view of Bachman and Paulson and further in view of so-called Official Notice has been overcome.

Accordingly, it is respectfully submitted that each rejection raised by the Examiner in the September 2, 2008 Office Action has been overcome and that the above-identified application is now in condition for allowance.

Finally, it is noted that this Amendment is fully supported by the originally filed application and thus, no new matter has been added. For this reason, the Amendment should be entered.

For example, support for the amendment to claim 15 regarding the wording receiving with the computer system may be found at page 18, lines 6 and 7 ("Further still, the methods described may be embodied in a software program and/or a computer system.").

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
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